

101-246, title II, § 204(a)(2)(A), Feb. 16, 1990, 104 Stat. 50.

§ 4708. J. William Fulbright Foreign Scholarship Board

The J. William Fulbright Foreign Scholarship Board shall advise and assist the President in the discharge of the scholarship program carried out pursuant to this chapter, in accordance with the guidelines set forth in section 4704 of this title. The President may provide for such additional secretarial and staff assistance for the Board as may be required to carry out this chapter.

(As amended Pub. L. 101-246, title II, § 204(c), Feb. 16, 1990, 104 Stat. 50.)

AMENDMENTS

1990—Pub. L. 101-246 substituted “J. William Fulbright Foreign Scholarship Board” for “Board of Foreign Scholarships” in section catchline and in text.

CHAPTER 58—DIPLOMATIC SECURITY

SUBCHAPTER IV—DIPLOMATIC SECURITY PROGRAM

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SUBCHAPTER I—GENERALLY

§ 4801. Findings and purposes

[See main edition for text of (a)]

(b) Purposes

The purposes of this chapter are—

[See main edition for text of (1) to (3)]

(4) to promote strengthened security measures and to provide for the accountability of United States Government personnel with security-related responsibilities;

(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents, and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and

(6) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counterterrorism, and in particular to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities,

and communications, information, and security systems.

(As amended Pub. L. 101-246, title I, § 115(a), Feb. 16, 1990, 104 Stat. 22.)

AMENDMENTS

1990—Subsec. (b)(5), (6). Pub. L. 101-246 added par. (5) and redesignated former par. (5) as (6).

§ 4802. Responsibility of Secretary of State

[See main edition for text of (a)]

(b) Overseas evacuations

The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents, and private United States citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall—

(1) develop a model contingency plan for evacuation of personnel, dependents, and United States citizens from foreign countries;

(2) develop a mechanism whereby United States citizens can voluntarily request to be placed on a list in order to be contacted in the event of an evacuation, or which, in the event of an evacuation, can maintain information on the location of United States citizens in high risk areas submitted by their relatives;

(3) assess the transportation and communications resources in the area being evacuated and determine the logistic support needed for the evacuation; and

(4) develop a plan for coordinating communications between embassy staff, Department of State personnel, and families of United States citizens abroad regarding the whereabouts of those citizens.

(c) Oversight of posts abroad

The Secretary of State shall—

(1) have full responsibility for the coordination of all United States Government personnel assigned to diplomatic or consular posts or other United States missions abroad pursuant to United States Government authorization (except for facilities, installations, or personnel under the command of a United States area military commander)¹

(2) establish appropriate overseas staffing levels for all such posts or missions for all Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander or regional inspector general offices under the jurisdiction of the inspector²

¹ So in original. Probably should be followed by “; and”.

² So in original. Probably should be capitalized.

General, Agency for International Development).

(d) Federal agency

As used in this subchapter and subchapter III of this chapter, the term "Federal agency" includes any department or agency of the United States Government.

(As amended Pub. L. 101-246, title I, § 115(b), Feb. 16, 1990, 104 Stat. 22.)

AMENDMENTS

1990—Subsecs. (b) to (d). Pub. L. 101-246 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4805 of this title; title 15 section 4721; title 49 App. section 1358b.

SUBCHAPTER III—PERFORMANCE AND ACCOUNTABILITY

§ 4832. Accountability Review Board

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SUBCHAPTER IV—DIPLOMATIC SECURITY PROGRAM

§ 4851. Authorization

CONSTRUCTION SECURITY CERTIFICATION

Section 160 of Pub. L. 100-204, as amended by Pub. L. 101-246, title I, § 135, Feb. 16, 1990, 104 Stat. 33, provided that:

"(a) CERTIFICATION.—Before undertaking any new construction or major renovation project in any foreign facility intended for the storage of classified materials or the conduct of classified activities; or approving occupancy of a similar facility for which construction or major renovation began before the effective date of this section [Dec. 22, 1987], the Secretary of State, after consultation with the Director of Central Intelligence, shall certify to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

"(1) appropriate and adequate steps have been taken to ensure the security of the construction project (including an evaluation of how all security-related factors with respect to such project are being addressed);

"(2) the facility resulting from such project incorporates—

"(A) adequate measures for protecting classified information and national security-related activities; and

"(B) adequate protection for the personnel working in the diplomatic facility; and

"(3) a plan has been put into place for the continued evaluation and maintenance of adequate security at such facility, which plan shall specify the physical security methods and technical countermeasures necessary to ensure secure operations, including any personnel requirements for such purposes.

[See main edition for text of (b) to (d)]

§ 4852. Diplomatic construction program

(a) Preference for United States contractors

Notwithstanding section 302 of this title, and where adequate competition exists, only United States persons and qualified United States joint venture persons may—

(1) bid on a diplomatic construction or design project which has an estimated total project value exceeding \$10,000,000; and

(2) bid on a diplomatic construction or design project which involves technical security, unless the project involves low-level technology, as determined by the Assistant Secretary for Diplomatic Security.

[See main edition for text of (b) to (f)]

(As amended Pub. L. 101-246, title I, § 132, Feb. 16, 1990, 104 Stat. 32; Pub. L. 102-138, title I, § 131, Oct. 28, 1991, 105 Stat. 662.)

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-138, § 131(1), substituted "\$10,000,000" for "\$5,000,000".

Subsec. (a)(2). Pub. L. 102-138, § 131(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "bid on a diplomatic construction or design project which involves physical or technical security, unless the project—

"(A) involves nonsophisticated, low-level technology, as determined by the Assistant Secretary for Diplomatic Security;

"(B) is for the design or construction of a facility that does not process or store classified material; and

"(C) does not exceed a total value of \$500,000."

1990—Subsec. (a)(2). Pub. L. 101-246 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "bid on a diplomatic construction or design project which involves physical or technical security."

CONSTRUCTION OF UNITED STATES EMBASSY IN OTTAWA

Section 125 of Pub. L. 101-246 provided that: "Section 402(a) of the Diplomatic Security Act (22 U.S.C. 4852(a)) shall not apply to the construction or renovation of the United States Embassy in Ottawa, Canada."

§ 4863. Use of cleared personnel to ensure secure maintenance and repair of diplomatic facilities abroad

(a) Policies and regulations

The Secretary of State shall develop and implement policies and regulations to provide for the use of persons who have been granted an appropriate United States security clearance to ensure that the security of areas intended for the storage of classified materials or the conduct of classified activities in a United States diplomatic mission or consular post abroad is not compromised in the performance of maintenance and repair services in those areas.

(b) Study and report

The Secretary of State shall conduct a study of the feasibility and necessity of requiring that, in the case of certain United States diplomatic facilities abroad, no contractor shall be hired to perform maintenance or repair services in an area intended for the storage of classified

materials or the conduct of classified activities unless such contractor has been granted an appropriate United States security clearance. Such study shall include, but is not limited to, United States facilities located in Cairo, New Delhi, Riyadh, and Tokyo. Not later than 180 days after February 16, 1990, the Secretary of State shall report the results of such study to the Chairman of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(Pub. L. 99-399, title IV, § 415, as added Pub. L. 101-246, title I, § 133(a), Feb. 16, 1990, 104 Stat. 32.)

§ 4864. Increased participation of United States contractors in local guard contracts abroad under diplomatic security program

(a) Findings

The Congress makes the following findings:

(1) State Department policy concerning the advertising of security contracts at Foreign Service buildings has been inconsistent over the years. In many cases, diplomatic and consular posts abroad have been given the responsibility to determine the manner in which the private sector was notified concerning an invitation for bids or a request for proposals with respect to a local guard contract. Some United States foreign missions have only chosen to advertise locally the availability of a local security guard contract abroad.

(2) As a result, many United States security firms that provide local guard services abroad have been unaware that local guard contracts were available for bidding abroad and such firms have been disadvantaged as a result.

(3) Undoubtedly, United States security firms would be interested in bidding on more local guard contracts abroad if such firms knew of the opportunity to bid on such contracts.

(b) Objective

It is the objective of this section to improve the efficiency of the local guard programs abroad administered by the Bureau of Diplomatic Security of the Department of State and to ensure maximum competition for local guard contracts abroad concerning Foreign Service buildings.

(c) Participation of United States contractors in local guard contracts abroad

With respect to local guard contracts for a Foreign Service building which exceed \$250,000 and are entered into after February 16, 1990, the Secretary of State shall—

(1) establish procedures to ensure that all solicitations for such contracts are adequately advertised in the Commerce and Business Daily;

(2) establish procedures to ensure that appropriate measures are taken by diplomatic and consular post management to assure that United States persons and qualified United States joint venture persons are not disadvantaged during the solicitation and bid evaluation process due to their distance from the post; and

(3) give preference to United States persons and qualified United States joint venture persons where such persons are price competitive to the non-United States persons bidding on the contract, are properly licensed by the host government, and are otherwise qualified to carry out all the terms of the contract.

(d) Definitions

For the purposes of this section—

(1) the term "United States person" means a person which—

(A) is incorporated or legally organized under the laws of the United States, including the laws of any State, locality, or the District of Columbia;

(B) has its principal place of business in the United States;

(C) has been incorporated or legally organized in the United States for more than 2 years before the issuance date of the invitation for bids or request for proposals with respect to the contract under subsection (c) of this section;

(D) has performed within the United States and overseas security services similar in complexity to the contract being bid;

(E) with respect to the contract under subsection (c) of this section, has achieved a total business volume equal to or greater than the value of the project being bid in 3 years of the 5-year period before the date specified in subparagraph (C);

(F)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States; and

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States; and

(G) has the existing technical and financial resources in the United States to perform the contract;

(2) the term "qualified United States joint venture person" means a joint venture in which a United States person or persons owns at least 51 percent of the assets of the joint venture; and

(3) the term "Foreign Service building" means any building or grounds of the United States which is in a foreign country and is under the jurisdiction and control of the Secretary of State, including residences of United States personnel assigned overseas under the authority of the Ambassador.

(e) United States minority contractors

Not less than 10 percent of the amount of funds obligated for local guard contracts for Foreign Service buildings subject to subsection (c) of this section shall be allocated to the extent practicable for contracts with United States minority small business contractors.

(f) United States small business contractors

Not less than 10 percent of the amount of funds obligated for local guard contracts for Foreign Service buildings subject to subsection (c) of this section shall be allocated to the extent practicable for contracts with United States small business contractors.

(g) Limitation of subcontracting

With respect to local guard contracts subject to subsection (c) of this section, a prime contractor may not subcontract more than 50 percent of the total value of its contract for that project.

(Pub. L. 101-246, title I, § 136, Feb. 16, 1990, 104 Stat. 33.)

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and not as part of the Diplomatic Security Act which comprise this chapter.

CHAPTER 59—FASCELL FELLOWSHIP PROGRAM

§ 4901. Fellowship program for temporary service at United States missions abroad

(a) Establishment

There is hereby established a fellowship program pursuant to which the Secretary of State will provide fellowships to United States citizens while they serve, for a period of between one and two years, in positions which would otherwise be held by foreign national employees at United States diplomatic or consular missions abroad.

[See main edition for text of (b)]

(c) Purpose of fellowships

Fellowships under this chapter shall be provided in order to allow the recipient (hereafter in this chapter referred to as a "Fellow") to serve on a short-term basis at a United States diplomatic or consular mission abroad in order to obtain first hand exposure to that country, including (as appropriate) independent study in that country's area studies or languages.

(d) Individuals who may receive a fellowship

To receive a fellowship under this chapter, an individual must be a United States citizen who is an undergraduate or graduate student, a teacher, scholar, or other academic, or an other individual, who has expertise in international affairs, foreign languages, or career and professional experience or interest in international affairs, and who has a working knowledge of the principal language of the country in which he or she would serve.

[See main edition for text of (e)]

(As amended Pub. L. 101-454, § 9(b), Oct. 24, 1990, 104 Stat. 1065.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-454, § 9(b)(1), substituted "which would otherwise be" for "formerly" and "abroad" for "in the Soviet Union or Eastern European countries".

Subsec. (c). Pub. L. 101-454, § 9(b)(2), substituted "abroad" for "in the Soviet Union or an Eastern European country" and "that country's" for "Soviet or Eastern European".

Subsec. (d). Pub. L. 101-454, § 9(b)(3), substituted "international affairs, foreign languages, or career and professional experience or interest in international affairs," for "Soviet or Eastern European area studies or languages".

SHORT TITLE OF 1990 AMENDMENT

Section 9(a) of Pub. L. 101-454 provided that: "This section [amending this section and sections 4902 and 4904 of this title, and enacting provisions set out as a note under section 4902 of this title] may be cited as the 'Fascell Fellowship Amendments Act of 1990'."

§ 4902. Fellowship Board

[See main edition for text of (a)]

(b) Membership

The Board shall consist of 9 members as follows:

[See main edition for text of (1) to (3)]

(4) Six academic specialists in international affairs or foreign languages, appointed by the Secretary of State (in consultation with the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority¹ of the Committee on Foreign Relations of the Senate).

[See main edition for text of (c) and (d)]

(As amended Pub. L. 101-454, § 9(c)(1), Oct. 24, 1990, 104 Stat. 1066.)

AMENDMENTS

1990—Subsec. (b)(4). Pub. L. 101-454 substituted "international affairs or foreign languages," for "Soviet or Eastern European area studies or languages,".

EFFECTIVE DATE OF 1990 AMENDMENT

Section 9(c)(2) of Pub. L. 101-454 provided that: "The amendment made by paragraph (1) [amending this section] shall apply only to appointments to the Fascell Fellowship Board after the date of the enactment of this section [Oct. 24, 1990] and shall not affect the service of members of such board on the date of the enactment of this section."

§ 4904. Secretary of State

(a) Determinations

The Secretary of State shall determine which of the individuals selected by the Board will serve at each United States diplomatic or consular mission abroad and the position in which each will serve.

[See main edition for text of (b) and (c)]

(As amended Pub. L. 101-454, § 9(d), Oct. 24, 1990, 104 Stat. 1066.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-454 substituted "abroad" for "in the Soviet Union or Eastern Europe".

CHAPTER 60—ANTI-APARTHEID PROGRAM

SUBCHAPTER III—MEASURES BY UNITED STATES TO UNDERMINE APARTHEID

Sec.

5051 to 5056. Omitted.

5057 to 5072. Omitted.

5073. Omitted.

¹ So in original. Probably should be followed by "member".